

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION

This Document Relates to: ALL CASES

Master Case No.: C09-0037 (MJP)

**THIRD STIPULATED MOTION
MODIFYING BRIEFING SCHEDULE ON
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION; SECOND
STIPULATED MOTION MODIFYING
BRIEFING SCHEDULE ON
DEFENDANTS' MOTION FOR
JUDGMENT ON THE PLEADINGS;
[PROPOSED] ORDER MODIFYING
BRIEFING SCHEDULES**

**NOTE ON MOTION CALENDAR:
July 19, 2011**

I. STIPULATION

Pursuant to the Second Stipulated Motion Modifying Briefing Schedule on Defendants' Opposition to Plaintiffs' Motion for Class Certification; Order Modifying Briefing Schedule entered by the Court on May 9, 2011 (Dkt no. 245), the current deadline for Lead Plaintiffs' reply to Defendants' Opposition to Plaintiffs' Motion for Class Certification is July 27, 2011.

Pursuant to the Stipulated Motion Modifying Briefing Schedule on Defendants' Motion for Judgment on the Pleadings; Order entered by the Court on July 7, 2011 (Dkt no. 265), the current deadline for Lead Plaintiffs' opposition to Defendants' Motion for Judgment on the Pleadings is July 27, 2011. The deadline for Defendants' reply in further support of their Motion for Judgment on the Pleadings is August 3, 2011.

Pursuant to Local Rules 7(d)(1) and 10(g), the parties jointly request:

- to extend the deadline for Lead Plaintiffs' reply and the noting date for Lead Plaintiffs' Motion for Class Certification to August 26, 2011;
- to extend the deadline for Lead Plaintiffs' opposition to Defendants' Motion for Judgment on the Pleadings to August 26, 2011;
- to extend the deadline for Defendants' reply in further support of their Motion for Judgment on the Pleadings to September 2, 2011; and
- that the noting date for Defendant's Motion for Judgment on the Pleadings be re-noted from August 3, 2011 to September 2, 2011.

The extensions agreed to and submitted above are necessary because there are no dates prior to August 17, 2011 on which all parties and Dr. Christopher M. James, Defendants' proposed expert whose report was cited by Defendants in their Opposition to Plaintiffs' Motion for Class Certification and Motion for Judgment on the Pleadings, are available for the deposition of Dr. James. Unless the current schedule is altered, Lead Plaintiffs will be unable to use the information gathered at the deposition of Dr. James in their reply to Defendants' Opposition to Plaintiffs' Motion for Class Certification or their opposition to Defendants' Motion for Judgment on the Pleadings.

1 The parties met and conferred on July 14 and 15, 2011 regarding the briefing schedules
 2 and agreed on the proposed deadlines set forth herein. Should the Court grant this stipulated
 3 motion, the remaining deadlines set in the October 29, 2010 Scheduling Order (Dkt no. 207) will
 4 not be disturbed, nor will the requested extension delay the completion of other discovery or any
 5 other aspect of this action. Fact discovery does not close until December 1, 2011, and the parties
 6 are conducting non-class related fact discovery at the same time as class-certification related
 7 discovery and briefing.

8 For the reasons provided above, the parties respectfully request that the Court enter an
 9 order extending the briefing deadlines detailed herein.

10 Dated: July 19, 2011

11 TOUSLEY BRAIN STEPHENS PLLC

12 By: /s/Janissa A. Strabuk

13 Kim D. Stephens, WSBA #11984
 14 Janissa A. Strabuk, WSBA #21827
 15 1700 Seventh Avenue, Suite 2200
 16 Seattle, Washington 98101
 17 Telephone: (206) 682-5600
 18 Facsimile: (206) 682-2992
 19 Email: kstephens@tousley.com
 20 jstrabuk@tousley.com

21 *Liaison Counsel for Plaintiffs and the
 22 Proposed Class*

23 SCOTT+SCOTT LLP

24 Hal D. Cunningham (admitted *pro hac vice*)
 25 707 Broadway, Suite 1000
 26 San Diego, California 92101
 27 Telephone: (619) 233-4565
 28 Facsimile: (619) 233-0508
 Email: hcunningham@scott-scott.com

Joseph P. Guglielmo (admitted *pro hac vice*)
 500 Fifth Avenue, 40th Floor
 New York, New York 10110
 Telephone: (212) 223-6444

Facsimile: (212) 223-6334
Email: jguglielmo@scott-scott.com

COHEN MILSTEIN SELLERS & TOLL PLLC

Steven J. Toll
Julie Goldsmith Reiser
Joshua S. Devore (admitted *pro hac vice*)
Matthew B. Kaplan (admitted *pro hac vice*)
S. Douglas Bunch (admitted *pro hac vice*)
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
Email: stroll@cohenmilstein.com
jreiser@cohenmilstein.com
jdevore@cohenmilstein.com
mkaplan@cohenmilstein.com
dbunch@cohenmilstein.com

Joel P. Laitman (admitted *pro hac vice*)
Christopher Lometti (admitted *pro hac vice*)
Daniel B. Rehns (admitted *pro hac vice*)
150 East 52nd Street, Thirtieth Floor
New York, New York 10022
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
Email: jlaitman@cohenmilstein.com
clometti@cohenmilstein.com
drehns@cohenmilstein.com

Lead Counsel for the Proposed Class

BINGHAM MCCUTCHEN LLP

By: /s/Theo J. Robins
Theo J. Robins (admitted *pro hac vice*)
399 Park Avenue
New York, NY 10022
Tel: (212) 705-7961
Fax: (212) 752-5378
Email: theo.robins@bingham.com

-and-

David M. Balabanian (admitted *pro hac vice*)

STIPULATED MOTION MODIFYING BRIEFING SCHEDULES - 3

(NO. 2:09-CV-0037-MJP)

4898/001/245611.1

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

John D. Pernick (admitted *pro hac vice*)
Jee Young You (admitted *pro hac vice*)
Frank Busch (admitted *pro hac vice*)
Three Embarcadero Center
San Francisco, CA 94111
Tel: (415) 393-2544
Fax: (415) 262-9203
Email: david.balabanian@bingham.com
john.pernick@bingham.com
frank.busch@bingham.com

- and -

Susan L. Hoffman (admitted *pro hac vice*)
355 South Grand Avenue, Suite 4400
Los Angeles, CA 90071-3106
Tel: (213) 680-6454
Fax: (213) 680- 6499
Email: susan.hoffman@bingham.com

HILLIS CLARK MARTIN & PETERSON

Louis D. Peterson. WSBA #5776
Brian C. Free, WSBA #35788
1221 Second Ave, Suite 500
Seattle, WA 98101-2925
Tel: (206) 470-7646
Email: bcf@hcmp.com
ldp@hcmp.com

*Attorneys for Defendants Washington Mutual
Asset Acceptance Corporation, WaMu Capital
Corporation, David Beck, Diane Novak, Richard
Careaga, and Rolland Jurgens*

II. ORDER

IT IS SO ORDERED.

Dated: _____

Hon. Marsha J. Pechman
United States District Judge